

USSN 10/783,297, filed 02/20/2004

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REMARKS/ARGUMENTS

The Claim in this application is Claim 72, directed to an isolated nucleic acid molecule encoding a fragment of cyclooxygenase-3 enzyme wherein the fragment comprises an amino acid sequence of SEQ ID NO:4. This claim is directed to the elected invention. Thus, the objection to the claims as containing non-elected subject matter is mooted.

Rejection of the Claims under 35 U.S.C. 112, first and second paragraphs and Claim rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a)

The Examiner had rejected the previously presented Claims, under 35 U.S.C. 112, first and second paragraphs, and under 35 U.S.C. 102(b) and 35 U.S.C. 103(a). The Examiner had indicated that claims were not described sufficiently in the specification and also as encompassing a scope broader than the enablement.

However, the examiner had indicated, p. 9, Final Rejection dated August 14, 2006, that there was enablement for isolated nucleic acid molecule encoding a fragment of cyclooxygenase-3 enzyme wherein the fragment comprises an amino acid sequence of SEQ ID NO:4. The Claim presented herein is commensurate with that scope.

The newly added claim avoids the problems raised by the Section 112 rejections. Reconsideration and withdrawal of these rejections in view of the newly presented claims is respectfully requested.

In respect to the art rejection, 35 U.S.C. sections 102 and 103 over Wang, et al., Biochemical and Biophysical Research Communications, Vol. 190, No. 2 (1993) pp. 406-411, reconsideration and withdrawal of the rejections are respectfully requested. The Claim 72 present in the case relates to an isolated nucleic acid molecule encoding a fragment of cyclooxygenase-3 enzyme wherein the fragment

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comprises an amino acid sequence of SEQ ID NO:4, and this is neither anticipated nor made obvious by the Wang reference.

All other claims have been canceled. Reconsideration and withdrawal of the rejection is respectfully requested. Accordingly, the application is in condition for allowance. It is requested that the amendment be entered and that the Examiner reconsider the rejection in view of this amendment and remarks and that the case be passed to issue.

Under the provisions of Rule 116 and MPEP 714.12, this response, being filed by facsimile transmission, is believed to respond fully to the issues raised in the Final Rejection, is requested to be entered. Review of this amendment by the Examiner will not present any unreasonable burden, or necessitate an additional search.

Notice of allowance is respectfully requested.

No fees are believed due with this paper; should any be due, please charge Deposit Account No. 10-0750/PRD2041/MHM2 in the name of Johnson & Johnson.

Should the Examiner feel discussion of any of the points raised in this response would be valuable, he is invited to telephone the undersigned attorney.

Respectfully submitted,

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